billing each user for said changed amount of money of said content when said

content is distributed to each user after said changing of the amount of money.

REMARKS

Upon consideration of the above amendments and following remarks,

reconsideration and allowance of this application are respectfully requested.

At paragraphs 2-10, the Examiner has rejected claims 1-21, all of the claims

currently pending in the application, under 35 U.S.C. §102(e) as being anticipated by Rosenthal

(U.S. Patent No. 6,148,301). Applicants respectfully traverse the rejection.

Upon reviewing the portion of Rosenthal relied upon by the Examiner in the

rejection of claim 1, it is clear that the information provided is billed based on the number of

times subscribers requested each document. However, independent claim 1, as well as the

remainder of the independent claims as amended specifically recite that an amount billed to a

user each time the information is distributed to the user is determined depending on the number

of times that the information has been distributed to the user. Therefore, it is not the overall

billing charge that changes based on a fixed price per download in the claimed invention. Rather

the price of each subsequent download is modified based upon the number of times the material

has been downloaded. Thus, as is recited, for example in claim 1, the amount of money billed to

a user each time the information is distributed is determined depending on the number of times

that information is distributed. The claims recite more than simply updating a total amount of

money, but rather changing the amount charged per download based upon the total number of

downloads.

Applicants submit that the portions of Rosenthal relied upon by the Examiner fail to depict these features in the claimed invention. Applicants therefore respectfully request that the rejection of independent claims 1, 14-16, 18 and 20 under 35 U.S.C. §102(e) be withdrawn. Furthermore, Applicants submit that claims 2-13, 17, 19 and 21 depend, either directly or indirectly, from one of the allowable independent claims noted above, and therefore request that the rejection of these claims be withdrawn for this reason alone, and additionally as presenting independently patentable combinations in and of their own right. Applicants request that the rejection of these claims under 35 U.S.C. §102(e) similarly be withdrawn.

Applicants further submit that newly presented independent claim 22 describes a transaction method, and includes limitations similar to those noted above with respect to claim 1. Applicants therefore submit that it would be improper to reject claim 22 over the prior art previously relied upon by the Examiner in this matter.
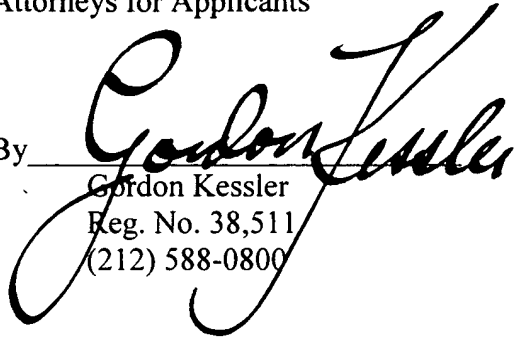
CONCLUSION

Applicants have made a diligent effort to place claims 1-22 in condition for allowance, and notice to this effect is earnestly solicited. If the Examiner is unable to issue a Notice of Allowance regarding these claims, the Examiner is requested to contact the undersigned attorney in order to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Respectfully submitted,

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ATTACHMENT

VERSION WITH MARKINGS SHOWING CHANGES MADE

IN THE CLAIMS:

Claims 1, 14-16, 18 and 20 have been amended as follows.

1.   (Amended)   An information distributing method for distributing information subjected to billing, characterized in that an amount of money billed to a user [every] each time said information is distributed to said user [once] is determined depending on the number of times that said information [is] has been distributed to each user within a predetermined time period.

14.   (Amended)   An information distributing method for distributing information subjected to billing, characterized in that an amount of money billed to a user [every] each time said information is distributed to said user [once] is determined in a composite manner depending on respective numbers of times that said information [is] has been distributed to each user in a plurality of set terms.

15.   (Amended)   An information distributing method for distributing information subjected to billing, characterized in that a receiver selects at least one term of a plurality of set terms and an amount of money billed to a user [every] each time said information is distributed to said user [once] is determined depending on the number of times that said information [is] has been distributed to each user in said selected term.

16.   (Amended)   An information distributing method for distributing information subjected to billing, comprising:

an information distributing means for distributing said information to a user; and

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a transaction means comprised of a means for counting [a] <u>the</u> number of <u>times</u> [distribution of] said information <u>is distributed</u> to [a] <u>each</u> user and a means for controlling a billing system <u>for billing for a next distribution</u> depending on the number of [distribution] <u>distributions</u> counted.

18.   (Amended)   A transaction method to control a billing system for information to be distributed, comprising the steps of:

[a step for] counting a number of [distribution] <u>distributions</u> of said information to [a] <u>each</u> user; and

[a step for] controlling a billing information <u>for billing for a next distribution</u> depending on a counted number of [distribution] <u>distributions</u>.

20.   (Amended)   A transaction system to control a billing system for information to be distributed, comprising:

a means for counting a number of [distribution] <u>distributions</u> of said information to [a] <u>each</u> user; and

a means for controlling a billing information <u>for billing for a next distribution</u> depending on a counted number of [distribution] <u>distributions</u>.

Claim 22 as been added as follows.

<u>22.</u>   <u>(New)</u>   <u>A transaction method to control a billing system for information to be distributed, comprising the steps of:</u>

<u>counting the number of times that a content is distributed to each user during a predetermined time period, each user being billed for an amount of money of said content;</u>

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changing said amount of money to be billed to each user for a next distribution of said content based on the result of counting; and

billing each user for said changed amount of money of said content when said content is distributed to each user after said changing of the amount of money.